IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1031 OF 2006

Shri Bhausaheb S/o.
Laxman Khatale ...Petitioner.

V/s

The State of Maharashtra ...Respondent.

Mr. M.S. Karnik for the petitioner
Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 24th March, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant has an apprehension that he is likely to be arrested in connection with C.R.No.I-205 of 2005 registered at Nashik Road Police Station for the offence punishable under section 468, 471, 420, 34 of the Indian Penal Code and the money which was supposed to be paid under Jawahar Vihir Yojana was misappropriated by forging documents and by committing various irregularities. After the complaint was filed, the investigation was made and it transpired that though the report was submitted that the well was excavated, in fact, on inspection of the site, it was

found that no work had been carried out there and yet the payment had been received. It is alleged that the well's were excavated in different part of the lands. It was also noticed that there were already bore well's in the same land.

3. It is submitted by the learned Counsel appearing on behalf of the applicant that the applicant was working as a Sectional Engineer in Nashik Taluka Sub-Division in the Minor Irrigation Department in 2000-2001. It is submitted that it was not the duty of the present applicant to obtain sanction from the concerned authorities which was granted and that it was the duty of the Talathi and the Gramsevak. He further submitted that the custodial interrogation of the applicant is not necessary as the documents are already with the Investigating Officer.

4. It is not possible to accept the submissions made by the learned Counsel appearing on behalf of the applicant. There is defalcation of the money which was reserved for Jawahar Vihir Yojana and the allegation is that certain documents were forged and the Government was duped to the tune of Rs 45000/-. Only after this matter appeared in a newspaper, a complaint was lodged and, thereafter, investigation

has started. Initially, only five agriculturists have filed complaint. Under these circumstances, investigation is still in progress and, therefore, the submissions of the learned counsel for the applicant that his custodial interrogation is not necessary cannot be accepted.

5. The application is therefore rejected. At this stage, the learned Counsel for the applicant seeks extention of interim order granted by this Court. Application for extention is rejected. The applicant is, however, given 7 days time to surrender.

6. Application is disposed of accordingly.

V.M. KANADE, J.